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ABSTRACT

The speaker establishes himself in opposition to teacher strikes, outlines the scope of teacher strikes, discusses arguments for and against the right of teachers to strike, presents the kinds of strikes that are possible, outlines what a board and the administration can do to head off a strike, and presents the American Association of School Administrators' guidelines for designing, developing, and implementing a strike plan. (IRT)

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[THE TEACHERS' RIGHT TO STRIKE VERSUS THE STUDENTS' RIGHT TO AN EDUCATION]*

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Edward M. Powell

First of all, I want to thank the Pennsylvania School Boards Association and Mr. Heddinger for allowing me to participate in these meetings. I am particularly enthused about the topic assigned me "The Teachers' Right To Strike Versus The Students' Right To An Education." I found this topic very interesting in preparing for my remarks today, since I have served in a capacity that would put me in a position to establish a philosophy and rationale for both sides of the argument. I am presently Superintendent of Schools in the Capital School District in Dover, Delaware, and in that capacity serve on the collective bargaining team of the Board of Education. Earlier in my career I was a member of a very large collective bargaining unit — the Hammond Teachers' Association in Hammond, Indiana. As a member of the bargaining team in the HTA I found myself in an adversary role with the Hammond Board of Education. During my service on the teachers' bargaining team much conflict arose which eventually led to several strikes within that district. I might add at this time that I have, in the last eight years of my career, undergone a 180 degree turn in the philosophy that I had when I was a young, aggressive and somewhat militant teacher within that school system.

In establishing the topic for today I think I should preface my comments with two statements that you should keep in the back of your

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mind throughout this presentation, regardless of whether you agree or disagree with my remarks as I make them. Statement No. 1: NOWHERE in these United States is it legal for teachers to strike. There are certain states, that I will enumerate later, that have a limited right to strike, but nowhere in this country, at the present time, is it completely legal for teachers to strike [or whatever else they happen to call a particular action that the bargaining unit sees fit to take].

The second major point that I would like to make in prefacing my remarks concerns the reason for public education being in existence. Public education, initially, was designed to serve the interest of the state and was instituted under the police powers of the state. Education was originally meant to be a model; it was to be a product of a representative government and how it is supposed to function. Nowhere in representative government is there a place for any governmental body or agency of the governmental body to completely circumvent their duties as outlined by contract or by intent of the model that they serve. The creation of public schools was to service children and create a model of representative government. The creation of public schools was not to serve one group of employees over another - no matter how educated, how vocal, how belligerent, how coercive, or how covert in their activities they might become. It's only been in recent years that school boards have really seen that this is the mission of the schools and have taken a position that demonstrates a little backbone in their policymaking for given school districts throughout

this country. Employee groups [I want to stress this point] ordinarily have objectives which are strictly self-serving and they work almost entirely towards these objectives. They may throw out very strong and ambiguous verbage to show that they are only interested in "the children" or "quality education," but their ultimate concern is benefits for the membership of the organization. When unions cease to work towards their own self-interests their function as an organization [as a collective bargaining agent] would cease. Union leadership will not allow this to occur. They must demand something, they must please the membership or they will die.

Boards of education are elected officials in this representative model that I have mentioned and they are not extensions of teacher associations. In past years there have been many actions on the part of weak boards of education that would indicate that they are almost extensions of teacher associations in the fact that they can be coerced or forced in some manner, perhaps by strikes, to give in to unreasonable, damaging demands by the collective bargaining unit within their districts. Their actions are still hanging over many school districts like an evil specter.

Boards of education, truthfully, do owe allegiance to one group of individuals within any school district and all of their actions must be promulgated towards this group of people. These are the children. The absolute determination of policy [including setting salary and working conditions] and the governance of free public education must be

accomplished only through elected officials: You! Strikes are nothing more than a grand, circus-like, precisely planned and intense method of trying to cause school board members to give up the power that they already have due to a weakening of their convictions. The degree that collective bargaining [or strikes] or any other process is allowed to encroach on the functioning of the system of education as it is meant in this country is the degree to which the function of this type of government is constrained or directed towards one group or individual's philosophy or desires. Public policy, with respect to the form, quantity or quality of public services, has to be determined through representative government. It cannot be determined through tyranny, through threats, through covert activities, through mass breaking of the law by individuals; or any other form of activity meant to subvert the will of the people in power, who were placed in power by the people they represent. Unions will attempt to circumvent this representative system to gain some kind of monetary or control advantage, and thus improperly exercise control over public policy. I caution board members [and superintendents who feel that they are not members of the board of education team] that if they do continue to give in to unreasonable, far-reaching demands, it will continue to result in the erosion and, perhaps, the complete halt of education as we understand it in these United States. These are two lengthy but pertinent statements you should keep in mind throughout this presentation.

If boards of education fail to take the position that what is best for children is what counts in education in this country, education will surely become a more autho itarian system. There will result less and less room for differences and competition within our educational system. This can only harm the educational community and the operation of the public school system.

It may well be that unions, themselves, will be the one who creates this kind of demise in our public educational system. If concepts such as a nation-wide teacher union [as envisioned by many union leaders] do materialize; I feel the union leadership have failed to bring into account two very important things which are possible in the private sector, but are not possible in the public sector. <u>One is the recognition of management's responsibility and right to make a profit and its right to raise prices.</u> Neither of these are components of the public educational system. There is no profit, there is no way [or right] to raise prices in order to fund any increases or concessions made by weak boards of education to teacher unions due to pressures from strikes, etc. <u>Secondly, these union leaders overlook management's right to go out of business in the private sector.</u> This is <u>impossible</u> in the public sector since schools were created as part of our governmental system and there is no way that a school can go out of business. <u>Regardless of what happens, regardless of how bad the finances are</u> – they only will become a burden on the quality of education. This burden <u>may</u> [I say may] be passed on to higher

and higher echeleons until it reaches the legislative counsels of the states in these United States. I personally feel this is what unions are striving for. Get the commitment and then force government: local, state or federal to "bail out" the boards who have given away the ship. New York should demonstrate that being bailed out is not as easy as it once was!

It may well be that if the weakening and erosion of the board powers [due to such activities as teacher strikes forcing boards into the giving into of more and more demands, demands out of proportion to teachers' unions] that eventually all collective bargaining, all decision-making will be made by state legislatures. Education will be totally controlled by politicians, patronage and all the evils associated with American politics. Furthermore, if the concept of the federal government funding a full one-third of education should materialize, it could result in all education being controlled from Washington. This is not the intent of the American public school system and it is not a right of teachers or teachers' unions to cause this kind of consternation and possible conclusion to exist within the educational system in this country. If more and more central control [due to pressure put on by teachers and the giving in of local school boards], does occur, teachers will find that they will be competing for money with millions of other people who they are not now presently competing with. This will be in the form of government-paid health care, government-paid fringe benefits and possibly even

government-prepared budgets. The control, as it becomes central, will not be to the advantage of education. Education is in a minority position and has a low national priority and for that reason the amount of conflict which will happen in the labor-management relations will be much greater than teacher leaders can imagine.

In investigating the topic of teachers' right to strike, it also must be very clear to us that there are two viewpoints as to whether or not teachers should have a right to strike. However, I feel that it is best to first outline the scope of strikes in the United States to date. Little more than a decade ago most teachers felt that strikes were not in keeping with their professional role as educators of America's youth. But that type of thinking has vanished in the past few years and even though teachers are still reluctant to strike, the traumas once associated with these actions are gone. There has not been stigmas attached, of any significance, to striking. Legal remedies have only slapped the hands of offenders and this has resulted in a new and increasing militancy among younger teachers. Teachers will strike to force solutions to all manner of problems [never underestimate a problem — analyze the people involved in the leadership positions in the union instead!] including recognition of their union, salary increases, working conditions, organizational plans, or alleged arbitrary actions by the administration and board of education. Not only will they strike to gain victories for themselves, but they will observe strikes of other teaching personnel.

This matrix becomes self-destructive to an educational system, especially a large educational system. It is possible that without proper timing and determination of contracts a school district could have schools closed for a large percentage of any contract year. Custodians could be out at one time, aides out at another time, management out at another time [yes, I said management], teachers at another time. It is a very distressing fact to find this kind of mass collective observance of strike activities by fellow unions.

One reason for the increase in teacher work stoppages is due to the fact that earlier on in the collective bargaining process in this country strikes did force some favorable settlements for teacher organizations. During these times administrators and board members [such as yourselves] felt untold pressure from parent citizen groups to get the schools open. Quite often this resulted in management giving in to what previously were termed unreasonable or financial disastrous demands. This was, and is, a very bad trend which [and this can be proved statistically], only created more and more teachers' strikes. School districts who have stood up and bit the bullet, who have avoided getting in on things that they knew in the long run were inoperable, or would jeopardize in the least bit the quality of education, have not experienced strike after strike after strike. It is only recently that boards of education are beginning to stand up and be counted as they are being whipped by their public from all sides.

Another reason for increased strikes, of course, is the growth of teacher unions themselves. As their membership has grown so has their "war coffers:" That is exactly what they have – war coffers. The money that they pay into dues is put into a national pot and is made available to selected spots throughout the country. It takes a great deal of time, money and courage in order to break a union when you are faced into an adversary situation such as a teachers' strike. Teachers today have a relatively secure feeling that striking will not cause them any serious damage in the courts in the country. Teachers' unions also know that it is almost impossible for a board of education to completely replace a staff. Hortonville, Wisconsin [in the news recently] is an example of what happens when a board does make the attempt. Boards forced to court to attempt to reach a settlement find that judges attempt to reach a settlement instead of taking sides according to the law. This is absolutely wrong! Judges should not do this. They must begin to enforce the law of the land concerning strikes and illegal union activity. Most judges [many of whom are dependent upon public support for election to their positions] will hesitate to take sides in school issues. Although they can be shown clearly that teachers are violating local school board policy and state law. This is a crime. It is perhaps one of the biggest flaws in our judicial system as it relates to labor-management in this country today. It is a complete slap in the face of lawmakers, policy groups, and to the administration of our nation's schools.

What is the statistical magnitude of strikes that have occurred in the United States? In 1960 there were 36 strikes. In 1965, 42 strikes. In 1970 - 412 strikes [which was the high point in the number of strikes in this nation]. Then approximately 85 strikes occurred in 1974-75. As you can see, public employees have increasingly been engaging in strike activity in spite of statutes and court decisions disallowing work stoppages. The simple truth has been [as I have stated] that strikes in the past have seemed to work. It seems to be the kind of pressure that gets more out of boards of education than collective bargaining can result in. It is contended that public employees feel strikes are well worth the costs and the consequences because they have resulted [in the past] in increased wages and general better working conditions. However, by looking at the 1974-75 figure it might well be that activities such as those in Hortonville, Wisconsin; in Wilmington, Delaware; in the Pittsburgh public school system, and in other areas around the country have been responsible for turning the tide in strike effectiveness [plus the increased accountability of staff]. These boards have taken the heat, have not totally given into union demands and have cost their local unions great amounts of money, loss of prestige, and [most important] credibility in the minds of their memberships. Due to this type of exertion of power strikes, indeed, have begun to decline.

Hand-in-hand with this, however, political pressure to get laws initiated which would allow teachers the right to strike has increased.

Unions have begun ignoring the welfare of the students at an alarming rate. The old "professional" is no longer present. The alarming thing to remember is that legislators [who like judges are elected in many cases by the public and by labor] are beginning to show signs of weakening. It is only through the development of a backbone and solid political platform that school boards are beginning to get through to legislators that they will not stand for this damaging onslaught by organized teacher unions. The NEA and the AFT are sponsoring and pumping millions of dollars into the election of political representatives who are in sympathy with labor demands: such as the right to strike.

Proponents to the right to strike for teachers include among the arguments to legislators some of the following:

1. They argue that the sovereignity doctrine has been eroded over the years. They cite that boards of education, as one member in the sovereignity in this country, have given away much of the power that they have inherent in their positions already! Thus allowing strikes would merely be another inherent government power abdicated for the "good" of education.

2. Not all government services are essential. They say that only certain jobs such as police and fire protection are really crucial.

3. Employees will strike in spite of legislation. A bold, outright threat and intimidation of you as board members! Penalties are often waived upon the employees return to work and they know this.

Anti-strike laws only hurt weak unions; they do not hurt strong unions thus they create an inequity based on political power alone.

4. Getting rid of the barriers to strike will encourage management to bargain in a meaningful way rather than depending upon the injunction to keep employees at work.

5. Many strikes in the private sector actually are more destructive than strikes in the public sector. Thus, anti-strike laws create inequity in favor of workers in the private sector.

Opponents of the right to strike should cite the following:

1. The sovereignty argument. America is a democracy and public employers represent the voters; thus employee strikes attack the representative form of government.

2. The economic considerations of the private sector are not present in the public sector. Strikes for higher wages can be economically justified in the private sector where cost/revenue figures are available. In the public sector, economics gives way to politics; thus the strike, being essentially an economic weapon, is out of place in government.

3. The no-lockout argument. It is difficult or impossible for government managers to lock out employees to exert economic pressure. Thus when employees are allowed to strike they are given an unfair advantage over their employers, one not enjoyed by employees in the private sector.

4. The wrong party gets hurt argument. Since the public bears the brunt of strikes by governmental employees, whereas only the parties

are directly harmed by strikes in the private sector, strikes should not be allowed in the public sector.

5. The indispensibility argument. Government services are absolutely necessary and strikes can bring them to a halt. This argument contends that strikes by public sector employees are per se illegal.

6. The strikes in private essential industries are illegal too argument. Under the emergency provisions of the NLRA, strikes in private industries can be declared illegal. Since all governmental services are essential, strikes by public service employees are illegal by definition.

7. The public sector unions have too much political power argument. Politicians will give in to union demands rather than risk an unpopular strike.

Thankfully, almost all of the states have not accepted the arguments in favor of a right to strike. Some states have, however, come up with notable legislation and judicial trends towards either allowing employees to strike or limiting use of the injunction where strikes are illegal. These states would include Alaska, Hawaii, Oregon, Pennsylvania, Montana, Minnesota and Vermont. They have given all or some of their state and local public employees the right to strike after certain conditions have been met if the strike does not harm the general health, welfare, or the safety of the citizenry.

I think that we should analyze that. It is my opinion that this is a cop-out. It is brought on strictly by political pressure put on these states' legislators and boards of education by labor organizations within

these states. To prove a strike will, or will not, harm the general health, welfare, the safety of citizenry in a court of law [as courts are now operated] would be virtually impossible. What will you use? Test scores? Number of scholarships denied? Number of activities cancelled? Or a philosophical debate? We can't even prove our worth to many of our taxpayers let alone a court dealing with "hard" evidence. Unions and union attorneys know this. Therefore, these states [no matter how good their intention may have been]have given away the only right which would prevent teachers from being coercive and have tacitly allowed their teachers to subvert the intent of the American public education system. How well this subversion [or how often] is done by these employee groups is based upon how much local boards of education in these states are willing to give, and often they can gain approval from the membership of their unions to call a strike. Legislators in states such as this [and unfortunately legislators in other states are beginning to look at concepts such as this] have justified their activity by stating that public employee strikes have occurred in states where they are illegal anyway. The unfortunate thing is that this is true. It is true because the judicial system in this country has failed to act in the best interest of the children who the public school system was designed to serve. By not imposing the sanctions mandated by law, by allowing striking teachers to get off the hook by waiving penalties, by boards of education giving in to demands

for leniency when a strike has occurred, by not penalizing people who have blatantly broken the law, the courts [and indirectly by boards of education] have given the legislators in this country the impression that no matter what they do with the law strikes will occur. This trend can be reversed. If boards of education such as those in Hortonville, Wilmington, Pittsburgh and other school districts continue to stand up and exercise the power given to them by the electorate [not a power that they came with but a power given to them by being elected to the board of education] then we will find that anti-strike legislation will remain viable. Boards and teachers will remain mandated to continue to work to meet contractural obligations in a reasonable, sensible manner, and not by brute force and intimidation.

What causes strikes? What causes little Miss Jones to leave her classroom and picket? The cause may well become a cure if board members are really in tune with teacher feelings and grievances and are able to define the good from the bad. A litany could be recited about the causes of strike, but there are certain basic issues which are of vital concern to every teacher's union. These include: recognition, salary, fringe benefits, working conditions, due process, organizational threats, curriculum control, reduction in force, and community non-support [plus a wealth of minor, localized issues]. Most of the strikes in this country have been due directly, or indirectly, to one of the ones I have mentioned. [I have very strong feelings concerning many of these and perhaps in our

discussion later we will be able to talk about each of these.] Another factor that is often worse than a strike to a district's operation is the threat of strikes. The threat of a strike can be more useful to a teacher union in exerting pressure than the actual strike itself. Strikes are an unknown to most school board members. They have not experienced them. They are bad. They make the board look bad. They are to be avoided at all cost. Most people fear this unknown. It is this fear which exacts concessions from school boards and causes them to not properly exercise the power given to them by the people and by the law. Teacher militants have learned that the use of threats is much more effective than the actual act [which could have jeopardizing effects upon the welfare of its membership and therefore lead to the weakening of the leadership in these teacher unions]. A strike does take its toll on both sides, you know!

At this time perhaps what I should do is explain what I am talking about when I use the word strike. There are several categories of teacher militancy that I encompass when I use the word: strike. First, we have what is commonly called a "wildcat" strike. This is a strike that is not sanctioned by the union and, in many ways, it is the hardest type of job action to handle. The reason is that you have no one to talk to in a leadership position. Secondly, there is the quickie strike. This is a spontaneous, unannounced walkout at work. This is relatively unknown in the public sector, but is often found in the private sector where day-by-day disputes between supervisors and the labor force can erupt into a mass activity

on the part of the employees. Thirdly, we have the tactic of a slow-down. This is a deliberate reduction of work. It is not an actual strike but it can be just as devastating as a strike. It also takes away the child's right to an education. Professionally I consider it the worst type of action a teacher union could participate in. As a matter of fact, it is much more crippling because the employee does not suffer any monetary loss. The days in the school calendar are counted and the child loses proportionately the amount of effort that the teacher is not putting forth. The public finds this appalling, and so it is seldom used. Fourth, there is what is called a sympathy strike which is a strike of workers who are not directly involved but feel they must strike because they are affiliated with them in sympathy in one manner or another with the striking teachers. This is quite dangerous in the private sector and can become very troublesome in the public schools if boards are not careful. This means that any AFL-CIO union affiliated could honor the picket line of a teacher strike. This causes undue hardships but can usually be handled by good preparation when you see that a strike is imminent. Fifth, you may have a sit-down strike where the workers stay inside the place of work but refuse to actually work. This is rarely done in public schools but it is a possibility. Lastly, you have the category of a general strike. This is a strike involving all of the employees of a school district. It is a concerted effort on behalf of several unions [or bargaining agents] within a school district.

Other union tactics that are illegal [as well as those defined by law as being illegal] would include mass resignations, contract stacking, slow-downs, selective withdrawal of certain services, mass professional meetings on school time, a concerted use of leave [which can be very debilitating to a school district's budget] and the use of sanctions by the state, or national organization, of the teachers. Whenever a strike is going to be planned [usually when negotiations have reached a place where management fails to give anymore] all of these tactics are considered by the teacher leadership.

If, it is felt by the board and administration that a strike is imminent, there are certain things that can be done to head off a strike. I might preface my comments on things that you can do to head off a strike by stating that in almost every case school boards [even though they may have the power and the complete justification to allow a strike] should make every attempt to head off a strike. They should make all reasonable attempts. If conditions go beyond reasonable [where board concessions will have either a current or a futuristic impact on the district that will drastically effect sound education of the children] then this course of action cannot be considered and the Board must assume a position and allow the cards to fall where they might. However, in attempting to head off a strike the first thing you should do is keep negotiations open: Always. Secondly, you should make it known that you are willing to take a strike if matters reach a certain stage. Three, keep the issues limited and clear and available to

everyone. Four, do not radicalize the employees. By this I mean no inflammatory statements by board members or representatives of the board. No unilateral action of the board on matters under consideration in negotiations. No significant changes out of retribution by the board. No personnel action by the board which the union could seize upon to rally the employees.

5. You must keep public support. This means that you may have to communicate to the public what actually is being done and present your side of the issue instead of putting your head in the sand like an ostrich. The board may have to supplement the news media by its own channels of communication.

6. You should attempt to gain employee support. There is a world of difference between who you are actually meeting with on a confrontation basis [union leaders] and the average classroom teacher in a school. Most union members know little of what is occurring and react out of gut reaction, overt pressure, ignorance, retaliation or sympathy. The leadership purposely keeps them ignorant so they can do as they please. After all they were elected and have the power [boards should remember this].

7. Warn employees of what they must do, what the law is and what penalties could occur. It is the same as due process for any other group of people. You, by law, must tell the employees what their legal status should be and what they are expected to do. Then, if they go ahead and violate this, you must attempt to mete out the appropriate punishments.

Just as with a student discipline hearing, the student must know what is expected of him and what will happen if he violates this expectation.

8. You should prepare your case for the public. After all, those are the people that you represent. Those are the people who the union is trying to use to put pressure on you. You should be prepared to present to the public the defense of your position on salaries or whatever the issue might be. The board's basic defense should be the illegality of the process of striking if you have not already had that defense taken away from you. Irregardless, you must be willing to prepare your case and go to the public if the situation demands it. You cannot hide.

9. You must build support among your administrators. A very strong, united, consistent approach by the administrative staff is essential. This will put a great deal of burden upon certain middle management positions but at all times your administrative staff should be advised, consulted with, and be made aware of what is happening in the course of the action by the employees.

10. You must also anticipate what kind of tactics that you can expect in any strike by an employee organization. They have, remember, unlimited resources from state and national organizations at their command. There are few school districts in this country which can match in manpower and funds the ability of teacher organizations to flood a district with organized strike organizers, public relations personnel, money for teachers who are temporarily out of work during the strike, or even with actual bargainers at the bargaining table. It is not uncommon for a state teacher union to send twenty or thirty staff members into a small district to assist in a strike. The idea is that small districts are important

because concessions can be gained there that can be pointed out to membership in larger districts later on. It is the old whip-saw technique that the unions use against board members who are notariously not as organized on a statewide basis as are teachers unions. They may make over one hundred persons available in a particularly touch or sensitive work stoppage in a large district. You have to remember that they have union linkage between local, state and national organizations. Communications and linkages that boards [through meetings such as this] are just now beginning to develop. Board members go about their business of earning their daily bread and are not as prone to organizing as teacher unions are. Teachers [through their dues] have fulltime personnel who do nothing more than plan work stoppages and assist where necessary in work stoppages already going on. You can expect them to completely saturate the community with statements concerning why they are striking. Unfortunately, they are very convincing topeople...especially to people who are in labor unions in the community themselves [and are anti-management to begin with] or were anti-education anyway because of taxes, etc. They will distribute handbills, talk on corners, get into newspapers, be on the radio, tv, take out advertisements in the press, call unilateral press conferences [by the way, newspapers are quite willing to do this because they make copy and fill up columns to sell papers]. They will utilize the mass media to its fullest extent. Blame will <u>always</u> be placed on the shoulders of the administration and/or board of education. If not on specific individuals, then on the leadership as a whole.

Another successful tactic is to encourage local and state politicians to become involved in this dispute, or to attempt to form citizens committees to "decide" the issues. They will want any kind of third party intervention in the strike that they can possibly get to make a decision in their favor. Remember, these people represent a lot of votes, they have a lot of clout and politicians are always willing to get their name in the paper if it is in behalf of their best interests to do so.

They will have meetings with other unions in the community. For instance, attempt to pursuade the Central Labor Council, AFL-CIO to issue a statement endorsing the strike and shutting off deliveries to the buildings or elect not to cross picket lines. They will try to break up the routine of homes so that parents are inconvenienced and they will put pressure [regardless of what is at stake] on the boards to give in to teacher demands. They will have work stoppages before graduation time so students can't meet requirements or get scholarships. Anything to put pressure on to the school board to give in to union demands. It is a very simple relationship and one that any school board member should be appalled at: the children are used as hostages, teachers are the kidnappers of the child's right to an education and it is up to you as school board members to either give in or to uphold the rights of all the children in the district. It is not an easy decision and it is not one that I envy you.

Unions also will strike at a time so that state-aid will be threatened. Aid sometimes that could be lost to the extent that it would even jeopardize the school system beyond the days the teachers are actually out on strike.

The main idea in all this, of course, is pressure. This is commonly called the Golden Frog Theory. The school board is the frog and anybody knows that if a sharp, bright light is on the frog long enough he will jump. It is exactly what the unions wish to do to you. They put you in the limelight. They shine the light on you hoping that you are going to jump and give in to their demands.

They may prevent school buses from running; substitutes from being employed; buildings from being operated; food deliveries from reaching the building; disruption of communications between buildings and the central administration building; community group meetings to prevent strike rationale and many, many other activities. It may involve actual physical violence – threatened or actually carried out to the school board members that are parents and other teachers crossing the picket lines. It may be harassment – phone calls, picketing your homes and in some cases board members have to have police protection. What a blemish on the public educational system.

I ask you here today, is this the kind of thing that the educational system in this country was created for and the type of activity that would be inserted into our public school system by the unions. Inserted into every school district within this country! I say no.

Before a strike, of course, there are many things that can be done. Very quickly just let me run down a brief summary that was compiled by

the American Association of School Administrators of what should be done in designing, developing, and implementing a strike plan.

District Level:

1. Develop the overall district plan as well as a board policy statement well in advance of an anticipated strike [preferably, when there is absolutely no indication of a strike].

2. Provide as early as possible for the notification of news media, parents, staff, of the likelihood or possibility of a strike.

3. Notify staff members of the applicable state law and school board policy concerning a work stoppage and the legal ramifications of such action.

4. Establish provisions for a Decision-Making Center to have the overall direction of a strike and assign specific responsibilities to those key people in the Center.

5. Make contacts with police, fire, health, telephone and other community/state agencies likely to be needed or contacted during a strike.

6. Prepare a list of names and telephone numbers for the specific individuals in each agency who can be contacted day or night in emergency situations.

7. Provide for "hot line" telephones for citizens and staff members so they may receive strike information.

8. Install a bank of unlisted telephones in the Decision-Making Center to facilitate on-going and continual communications.

9. Obtain, or make provisions to obtain, two-way radio systems for strategic points in the district [or mobile car radios, beeper systems].

10. Develop building strike plans and reporting systems for daily status reports from each building.

11. Notify the news media of the media area and provide the time(s) and places of daily [or more often] briefings concerning the strike.

12. Have the board of education pass the necessary legal resolutions required to deal with the strike [restraining orders, injunctions, picket line restrictions, formal notification to personnel on strike, etc.].

13. Continue to seek a solution to the strike and keep such initiative on the side of the administration and the board.

Building Level:

1. Develop with each building principal a building Strike Plan in conformance with the overall district plan.

2. Secure back-up personnel for each building principal to act in his or her stead during the work stoppage.

3. Make provisions within the building Strike Plan for a daily early-morning report to the D-M Center.

4. Make provision for a daily written report listing the names of staff who reported for duty and the numbers of pupils in attendance at the building.

5. Make provision for continuity of communications in the event that telephone lines are unusable.

6. Make provisions for each building principal to have specific guidelines and authority to close the building when the safety and health of the pupils are threatened, or when it is impossible to carry on an educational program.

7. Make provision for adequate building security [leaving lights on at night, security guards, etc.].

In conclusion, I suggest that one of the simplest ways to cut down the frequency of strikes in this country would be to impose penalties that should be inflicted. Some possible strike penalties that you could lobby for or seek legislation concerning might include the following:

1. Loss of recognition. There are some problems inherent in this in that if the loss of recognition is not spelled out very specifically the union can just reorganize its officers, make a couple of changes in its constitution, give itself a new name and come back as a new group. There has to be some kind of stipulation in there that if loss of recognition occurs there is no new group formed for the duration of the contract, or something to this effect.

2. A court injunction. This injunction must include a plea for damages to the community. If it is defied there should be some holding of teachers in contempt of court making them subject to fines and jail sentences, or both. This should not be negotiated away and they should not be given immunity after a strike settlement is accomplished. If they break these laws they should be punished. No board has the right to plea-bargain with teachers organizations when you are toying with a child's right to an education. It should be understood that this injunction may even include the necessity of having a trial. The Wilmington, Delaware, case is a good example where this actually happened and teachers did pay the price in many instances for their illegal activities during the strike.

3. Loss of dues checkoff. Mandatory loss of dues checkoff for any teacher organization after a strike has occurred is a must. It is a fantastic way to penalize teachers' unions for their illegal activities. It can cause them great duress because it takes away money from their war chest, and will cause them great consternation in re-establishing credibility among their members when they know that their money went into the court's coffers because of illegal strike activity. A fact that more union members never consider until after the fact. You are hitting at the mainstay of the union's existence.

4. Dismissal. Boards should not feel afraid to fire teachers who are absent without leave and who violate laws. True, it does create a problem and it must become selective in many instances as to who you fire, but the alternative is something that cannot be overlooked as a possibility for board action.

5. Loss of certification. In a number of states striking teachers may have their certification removed. In at least one state striking teachers are denied employment in any state or government for at least one year.

6. Loss of income. It goes without saying that teachers cannot be paid while they are on strike [not even as a part of a settlement]. The momentary pains suffered must outweigh the gains or striking will propagate itself. A board cannot afford to "lose" a strike, and in any strike you might be forced to participate in you should make sure that the union loses much more than they stand to gain. Teachers should never be allowed to

make up days that they have missed. They should never be allowed to regain lost money. There should be no great inconvenience beyond that already accumulated during the strike by either students or parents. It is my feeling that even in a strike lasting four, five, six, or seven weeks that enough can be done in the aftermath after the strike is over to maintain a good healthy situation for that school year.

Frequently teachers do not consider the public damage that might be done as a result of their strike and its continuing effect on children's education. They will soon find that in many quarters they are going to have a much harder time dealing with individual parents, that referenda can't be passed because of their activities [which will eventually effect their future remuneration or the supplies and materials] and many other "side effects." All of this has to be pointed out to the teachers by the management and by the board of education.

7. An adverse evaluation. It is quite possible that teachers who strike could have their personnel folder stamped with a prejudicial statement regarding their defiance of the law and their absence without leave. It might hinder their employment in another district and as long as you follow the personnel folder requirements in your district it is quite permissible for you to put this in their folders. It is no different than a reprimand of any other kind. These people are lawbreakers. These people do miss school without leave and are jeopardizing your child's education and therefore they should be brought to the attention of

their personnel folder.

8. Statutory penalties are possible. For instance, the most notorious statutory penalty is in New York State and is called the Taylor law. Under this law the penalty for teachers who strike in New York is mandated. They are docked two days' pay for each day on strike. It is a very workable policy and it is a big deterent to the person who feels that he is going to break the laws of the land. If the courts will enforce it!

I think the last thing that I would caution you about is the fact that whatever happens in teachers' strikes, whatever your stance on them is, is that you need accurate legal advice to assist you. You need strong leadership from your executive officers in your district. You need unity among your administrative staff. You need to plan in advance. You need not fear threats and intimidations. You need a good supply of aspirin!